

lands belonging to the State of Texas, known as the 'Indian Reservation;' " also, Senate bill No. 151½, "An Act for the relief of the heirs of James S. George, deceased," and find them correctly engrossed.

JOSEPH, for Committee.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 437, "An Act to amend an act approved April 22, 1874, entitled an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" and find the same correctly engrossed.

SHEPARD, for Committee.

On motion of Senator Davenport, the Senate adjourned.

NINETIETH DAY.

SENATE CHAMBER, {
Austin, May 1, 1874. }

Senate met pursuant to adjournment.

Roll called; quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bradley, Senator Wood was excused for the day.

On motion of Senator Friend, Senator Ellis was indefinitely excused.

Senator Hobby, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
April 30, 1874. }

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled, the following Senate bills, to-wit: Senate bill No. 395, "An Act to define the Twenty-first Judicial District, and

to fix the time for holding the courts therein;" and Senate bill No. 162, "An Act to authorize the several counties of this State to raise means to pay their present indebtedness," and have this first day of May, one thousand eight hundred and seventy-four, at nine o'clock A. M., presented the same to the Governor for his approval.

Hobby, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled, the following bills, viz: Senate bill No. 198, "An Act providing for the removal of county seats;" Senate bill No. 424, "An Act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870; and Senate bill No. 253, "An Act to repeal an act, entitled 'an act to change the line between the counties of Burnet and Lampasas,' approved June 2, 1873, and to define the boundaries between said counties," and have this first day of May, one thousand eight hundred and seventy-four, at nine o'clock A. M., presented the same to the Governor for his approval.

Hobby, Chairman.

COMMITTEE ROOM,
April 30, 1874. }

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 277, entitled, "An Act amendatory of an act supplemental to an act, entitled, 'an act to regulate the assessment and collection of taxes,'" approved May 31, 1873, and have this day, at nine o'clock A. M., presented the same to the Governor for approval.

Hobby, Chairman.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled, Senate bill No. 428, "An Act to amend section forty-four of 'an act to encourage stock raising, and for the protection of stock raisers,'" approved March 23, 1874,

and Senate bill, No. 141, "An Act to organize unorganized counties within the State of Texas," and have this first day of May, 1874, at nine o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared substitute for Senate bill No. 242, "An Act to provide for the removal from office of district attorneys, sheriffs, district clerks and other officers, and for filling vacancies in such offices; also, Senate bill No. 413, "An Act making an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on State treasury warrants;" also, Senate Joint Resolution No. 435, "Joint Resolution authorizing the board of school directors in Gonzales county to use any funds available in that county, to prevent the sacrifice of certain property;" also Senate bill No. 145, "An Act authorizing and requiring the issuance of land certificates to certain parties herein named," and find them correctly engrossed.

W. H. TROLINGER, for Committee.

Senator Russell introduced a bill, entitled "An Act to regulate the holding the district court in the Twenty-fourth Judicial District." Read first time. Rules suspended, bill read second time, and ordered engrossed. Rules further suspended, bill read third time, and passed.

On motion of Senator Ireland, the rules were suspended, and House bill No. 250, "An Act to protect enclosed lands of any person from trespass, by shooting, hunting, fishing or fowling," was taken up, read second time and passed to third reading. Rules further suspended, bill read third time and passed.

Senate bill No. 147, "An Act to punish Returning Officers of election for refusing to give certificates of election to parties elected to same," was taken up, read second time, and ordered engrossed. Rules suspended, bill read third time, and passed.

Senate bill No. 129, "An Act to prevent estraying within certain dates," pending amendments by the committee

was taken up, read second time, and the amendments of the committee adopted and ordered engrossed. Rules suspended, bill read third time, and passed.

On motion of Senator Hobby, the rules were suspended, and House bill No. 310 was taken up. "An Act to amend section two of an act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act, entitled 'an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company,'" passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the "Texas and New Orleans Railroad Company," approved April 15, 1873, and which said act changed the name of said road to the "New Orleans, Mobile and Texas Railroad Company;" pending committee amendments, bill read second time, and amendments of the committee adopted.

On motion of Senator Baker, the bill was laid on the table.

A message was received from the House, announcing the passage of the following bills:

Senate bill No. 60, "An Act concerning the forfeiture of certain sheep and goats," with amendments.

Senate bill No. 431, "An Act to amend an act, approved April 22, 1874, entitled 'an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871, with amendments.

Senate bill No. 384, "An Act to amend the title and section one of an act entitled 'an act to incorporate the Bryan Real Estate and Building Association,'" approved May 25, 1871.

Substitute Senate bill No. 216, "An Act to validate the acts of certain notaries public."

Senate bill No. 318, "An Act to amend the caption of an act entitled 'an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company,'" approved March 11, 1871, and to change the name of said railroad company.

Senate bill No. 371, "An Act to declare an act, incorporating the city of San Antonio, and to grant a new charter to said city, etc., one of the unpublished laws of the Thirteenth Legislature," with amendments.

Senate bill No. 102, "An Act for the protection of the wool-growing interests of the State."

House substitute for Senate bill No. 262, "An Act to prevent the sale of poisonous, drugged, or adulterated liquors."

House bill No. 445, "An Act making surveyors responsible for altering or changing established lines in certain cases."

House bill No. 414, "An Act defining the boundary lines between Hopkins and Wood counties;" also, that the House concurs in Senate amendments to House bill No. 402, "to amend certain sections of an act to establish and maintaining a system of public free schools for the State of Texas," passed April 30, 1873.

On motion of Senator Culberson, the rules were suspended, and Senate bill No. 437 was taken up, "An Act to amend an act, approved April 22, 1874, entitled 'an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871, with House amendment.

On motion of Senator Culberson, the House amendment was concurred in.

On motion of Senator Friend, the rules were suspended, and Senate bill No. 274 was taken up, "An Act to provide for payment of the public debt of the State of Texas," with a substitute for same by the committee. Bill read second time.

Senator Ireland offered the following amendment:

"After the word 'money' insert the words 'and lands.' That all claims so audited for land shall be certified to the Commissioner of the General Land Office, who shall issue certificates and patents to the parties, and for the quantity of land so audited.'"

Senator Shepard offered a substitute, entitled "An Act to amend section three of an act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,'" approved May 2, 1871, approved November 13, 1871. Substitute read first time.

On motion of Senator Ireland, the bill and substitute was referred to Judiciary Committee, to report at three o'clock P. M., this evening.

On motion of Senator Joseph, the rules were suspended, and House bill No. 431 was taken up, "An Act to amend an act, approved April 22, 1874, entitled 'an act to repeal an act, entitled 'an act to authorize counties, cities,

and towns to aid in the construction of railroads and other works of internal improvement," approved April 12, 1871, was taken up, pending House amendments thereto.

On motion of Senator Joseph, the House amendments were concurred in.

Senator Morris moved that the rules be suspended, in order to take up Senate bill No. 344, "An Act to define and regulate *per diem* and mileage of members of the Legislature."

Senator Ireland moved a call of the Senate. Call sustained.

Absent—Senators Allison, Ball, Bradley, Burton, Westfall, Stirman and Swift.

Senator Parker moved to suspend the call. Lost.

On motion of Senator Culberson, the rules were suspended, and House bill No. 105 was taken up, "An Act to authorize the use of photographic copies of written instruments, in taking descriptions of witnesses in certain cases."

The bill was read second time, and the Senate refused to pass the bill to a third reading by the following vote:

YEAS—Senators Bradshaw, Culberson, Davenport, Hobby, Joseph, Morris and Shepard—7.

NAYS—Senators Ball, Baker, Bradley, Burton, Dillard, Dwyer, Friend, Ireland, Ledbetter, Moore, Parker, Randle, Russell, Stirman, Trolinger and Westfall—16.

The special order being the pending motion of Senator Burton to reconsider the vote indefinitely postponing House bill No. 92, "An Act to create the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof," and also the vote by which the Senate refused to adopt the second amendment of committee, it was taken up.

The Senate voted to reconsider the bill, by the following vote:

YEAS—Senators Ball, Burton, Davenport, Dillard, Dwyer, Hobby, Ireland, Moore, Parker, Randle, Russell, Shepard, Trolinger and Westfall—15.

NAYS—Senators Baker, Bradshaw, Bradley, Culberson, Friend, Joseph, Ledbetter, Morris and Wood—9.

Senator Friend, for Engrossing Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate bill No. 439, "An Act to regulate the times of holding the district courts in the Twenty-fourth Judicial District;" also, Senate bill No. 438, "An Act to incorporate the Round Top Rifle Association," and find them correctly engrossed.

W. R. FRIEND, for Committee.

Senator Bradley moved a call of the Senate. Call sustained.

Absent—Senator Erath.

On motion of Senator Bradley, the call was suspended.

The question being on the indefinite postponement of the bill, the Senate refused to postpone it, by the following vote :

YEAS—Senators Baker, Bradshaw, Bradley, Culberson, Friend, Ireland, Joseph, Ledbetter, Morris, Russell and Wood—11.

NAYS—Senators Allison, Ball, Burton, Davenport, Dillard, Dwyer, Hobby, Moore, Parker, Randle, Shepard, Stirman, Swift, Trolinger and Westfall—15.

Senator Friend moved to adjourn. Lost.

Senator Culberson offered the following amendment :

"Strike out all after the word 'Waco' down to and including the word 'expedient,' in the first section."

Senator Culberson offered the following amendment :

"*Provided*, that nothing contained in this act shall be so construed as to prevent a farmer or producer of cotton from selling the same at any market he may desire to offer the same, or from having the same weighed in any manner and by such person as such farmer or producer may designate."

Senator Moore offered a substitute for the bill, entitled "An Act regulating the sale of produce within the State."

Substitute read first time, and adopted by the following vote :

YEAS—Senators Baker, Bradshaw, Bradley, Culberson, Dwyer, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Russell, Westfall and Wood—14.

NAYS—Senators Allison, Ball, Burton, Davenport, Dillard, Hobby, Parker, Randle, Shepard, Stirman, Swift and Trolinger—12.

Senator Bradley then moved to lay the substitute on the table. Carried by the following vote :

YEAS—Senators Baker, Bradley, Culberson, Dillard, Dwyer, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Stirman and Trolinger—16.

NAYS—Senators Allison, Ball, Bradshaw, Burton, Davenport, Moore, Shepard, Swift, Westfall and Wood—10.

Senator Randle moved that the calendar clerk be excused this evening, to attend court. Granted.

Senator Wood introduced a bill entitled "An Act to amend an act entitled 'An Act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive bonds in lieu thereof,' approved May 30, 1873. Read first time and ordered to lie on the table.

On motion of Senator Ireland, the Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called ; no quorum present.

Senator Dwyer moved a call of the Senate. Call sustained.

Absent—Senators Allison, Ball, Bradshaw, Dillard, Erath, Friend, Ledbetter, Randle, Russell, Swift and Westfall.

A quorum being announced as present, on motion of Senator Baker, the call was suspended.

On motion of Senator Morris, the rules were suspended, and House bill No. 414, "An Act defining the boundary line between Hopkins and Wood counties," was taken up, and read first time. Rules suspended, and bill read second time. Rules further suspended ; bill read third time and passed.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following Senate bills: No. 147, "An Act to punish returning officers of elections for refusing to give certificates of election to parties entitled to the same;" No. 129, "An Act to prevent estraying within certain dates," and find the same correctly engrossed.

SHEPARD, for Committee.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Enrolled Bills beg leave to report that they have carefully examined, and find correctly enrolled, Senate bill No. 150, "An Act to grant lands to the International Railroad Company, in lieu of bonds, on a portion of the line of road ;" and Senate Joint Resolution, No. 305, "Resolution instructing our Senators and requesting our Representatives in Congress to aid in securing the passage of a law which will insure the early completion of the Texas and Pacific Railway ;" also, Senate Joint Resolution, No. 417, "Resolution granting leave of absence to the Hon. E. Dougherty, Judge of the Fifteenth Judicial District," and have this first day of May, 1874, at half-past nine o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

A message was received from the House, announcing the passage of House bill No. 514, "An Act to incorporate the Houston and East Texas Narrow Gauge Railroad Company, and grant State aid thereto."

Senator Ireland, chairman Judiciary Committee, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred resolution to provide for publication and distribution of the journals of the Senate, instruct me to report back the accompanying substitute, and recommend its passage.

IRELAND, Chairman.

The title of the substitute referred to is: "Joint Resolution providing for the indexing, publication and distribution of the journals, general and special laws, first session of the Fourteenth Legislature.

On motion of Senator Joseph, the substitute was adopted.

Senator Wood moved to amend, by inserting "the secretary of the Senate and chief clerk of the House."

On motion of Senator Bradley, the matter was postponed until to-morrow, at ten o'clock A. M.

Senator Culberson gave notice that he would move a reconsideration of the vote on substitute to House bill No.

92, "An Act to create the office of public weigher, and defining the duties and liabilities thereof."

The special order being the consideration of House bill No. 302, "An Act to regulate life and health insurance companies, and all associations, partnerships, or individuals doing life and health insurance business, incorporated within or without the State of Texas," it was taken up, and read first time. Rules suspended, and bill read second time.

Senator Bradley offered the following amendment: "Amend by striking out, in first section, after the word 'service,' in fifty-sixth line, all down to, and inclusive of, the word 'cases,' in fifty-ninth line, and inserting instead thereof as follows: '*provided*, that, upon the passage of this act, suits may be commenced against such company or association in any county of this State where loss has accrued, by process, as in other cases, sued upon any authorized agent or attorney of such company. Adopted.

The bill as amended, then passed to third reading.

On motion of Senator Bradley, the rules were further suspended, bill read third time and passed.

Senator Friend moved to suspend the rules to take up a resolution heretofore offered by him, to rescind a former rule, requiring that only private bills could be considered in evening session. Carried. Resolution taken up and adopted.

Senator Friend, by leave, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 274, "An Act to amend an act, supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' " approved November 13, 1871, and the substitute therefor entitled "an act to amend 'an act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' " approved November 13, 1871, and several amendments thereto, have considered the same and instruct me to report the accompanying substitute, and recommend its passage.

W. R. FRIEND, for Committee.

The title of the substitute referred to, is "An Act to amend 'an act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' " ap-

proved November 13, 1871. Substitute read first time and adopted. Rules suspended, and the substitute read second time. The Senate then refused to engross the substitute, by the following vote:

YEAS—Senators Ball, Culberson, Dwyer, Ellis, Friend, Joseph, Ledbetter, Morris, Parker and Russell—10.

NAYS—Senators Allison, Baker, Bradley, Burton, Davenport, Dillard, Erath, Hobby, Moore, Shepard, Stirman, Trolinger, Westfall and Wood—14.

On motion of Senator Wood, the rules were suspended, to take up a bill introduced by him this morning, entitled "An Act to amend an act, entitled 'an act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive State bonds in lieu thereof,'" approved May 30, 1873. Bill read second time.

Senator Moore moved to amend by striking out the word "required" in the first section of the bill, and insert the word "authorized." Adopted. The bill as amended, was then ordered engrossed. Rules further suspended, bill read third time and passed.

A message was received from the Governor.

The unfinished business being the consideration of Senate bill No. 344, entitled "An Act to define and regulate *per diem* and mileage of members of the Legislature," with a majority and minority report; it was taken up.

On motion of Senator Moore, Senator Randle was excused for the remainder of the evening.

On motion of Senator Morris, Senator Swift was excused.

Senator Russell moved a call of the Senate; call sustained.

Absent—Senator Ireland.

Senator Friend moved to reconsider the vote which excused Senator Randle. Carried.

The motion was then put to excuse Senator Randle, and the Senate refused to excuse him.

Senator Baker moved to suspend the call. Lost.

Senator Bradley moved to adjourn. Lost.

Senator Baker moved to suspend the call. Carried.

Senator Shepard moved to adopt the majority report, which was that the bill do not pass. Lost by the following vote:

YEAS—Senators Baker, Bradshaw, Bradley, Culberson, Davenport, Dillard, Dwyer, Friend, Joseph, Ledbetter and Russell—11.

NAYS—Senators Allison, Ball, Burton, Ellis, Hobby, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—13.

Senator Culberson moved the further consideration of the bill be postponed until ten o'clock A. M. to-morrow. Lost.

Senator Parker moved the adoption of the minority report, which recommended the passage of the bill. Carried by the following vote :

YEAS—Senators Allison, Ball, Burton, Culberson, Davenport, Dwyer, Ellis, Hobby, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—16.

NAYS—Senators Baker, Bradshaw, Bradley, Dillard, Friend, Joseph, Ledbetter and Russell—8.

Senator Russell moved a call of the Senate. Call sustained.

Absent—Senators Dillard, Erath, Ireland and Randle.

Senator Culberson moved the Senate stand adjourned. Carried.

NINETY-FIRST DAY.

SENATE CHAMBER. }
Austin, May 2, 1874. }

Senate met pursuant to adjournment ; roll called ; quorum present.

Prayer by Rev. A. G. Stacy, of Austin.

The reading of the journal of yesterday was dispensed with.

A message was received from the House announcing the passage of the following Senate bills :

Bill No. 212, "An act to enable common carriers to dispose of unclaimed freight or baggage," with amendments by the House.

Senate bill No. 367, "An act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," with some amendments by the House.

Senate bill No. 432, "An act to incorporate the San Antonio City Street Railway Company."

Senate bill No. 434, "An act to repeal an act to incorporate the town of Ysleta in El Paso county, approved May 9, 1871.